

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

HERBERT DAVIS,

Plaintiff,

vs.

C/O T.C. JOHNSON, et al.,

Defendants.

1:05-cv-00368-AWI-LJO-P

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS** (Doc. 10)

**ORDER DISMISSING ACTION, WITH
PREJUDICE FOR FAILURE TO OBEY
A COURT ORDER AND FAILURE TO
STATE A CLAIM UPON WHICH
RELIEF MAY BE GRANTED**

Plaintiff Herbert Davis ("plaintiff") is proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72-302.

On November 10, 2005, the Magistrate Judge filed a Findings and Recommendations herein which was served on plaintiff and which contained notice to plaintiff that any objections to the Findings and Recommendations were to be filed within twenty (20) days. To date, plaintiff has not filed objections to the Magistrate Judge's Findings and Recommendations.

1 In accordance with the provisions of 28 U.S.C.
2 § 636(b)(1)(C) and Local Rule 73-305, this Court has conducted a
3 de novo review of this case. Having carefully reviewed the
4 entire file, the Court finds the Findings and Recommendations to
5 be supported by the record and by proper analysis.

6 Accordingly, IT IS HEREBY ORDERED that:

7 1. The Findings and Recommendations, filed November 10,
8 2005, is ADOPTED IN FULL; and,

9 2. This action is DISMISSED, with prejudice, for
10 plaintiff's failure to state a claim against upon which relief
11 may be granted, and for failure to obey the court's order of
12 September 27, 2005.

13
14 IT IS SO ORDERED.

15 **Dated: December 19, 2005**
16 0m8i78

/s/ Anthony W. Ishii
UNITED STATES DISTRICT JUDGE